

REMARKS

Claims 1, 5, 7, and 8 are currently being amended to fix unintentional typographical errors in the claims previously submitted, and to obviate the Examiner's objections.

Additionally, claim 9 has been amended to particularly point out and distinctly claim the subject matter that Applicant regards as the inventive subject matter.

These amendments do not introduce new matter within the meaning of 35 U.S.C. §132.

1. Information Disclosure Statement

The Office Action states,

The IDS filed on September 23, 2005 has been considered, expect for two WO references cited on page 3 of PTO-1449 Form because they are not U.S. Patents. These documents have been considered, but a corrected PTO-1449 Form must be submitted in reply to this office action.

RESPONSE

Applicant kindly thanks the Examiner for considering WO 99/29736 and WO 02/02652. As requested by the Examiner, Applicant has re-submitted the two above-mentioned documents, along with a corrected PTO-1149 form.

As previously stated in the Information Disclosure Statement filed on September 21, 2005, documents (i) WO 99/29736 and (ii) WO 02/02652 correspond to (i) U.S. Patents 6,649,709 and 6,849,699 and (ii) U.S. Patent Application Publication 2004 014914, respectively.

2. Claim Objections

The Office Action states,

Claims 1, 5, 7, & 8 are objected to because of the following informalities:

A. In claim 1, line 1, "titanized chromium catalysts" is suggested changed to --titanium-chromium catalysts--.

B. In claims 1, 7, & 8, step B), C), and D), a comma --,-- should be inserted after "optionally".

C. In claim 5, lines 2-3, "or a mixture of these two titanium compounds" should be changed to -or a mixture thereof--.

Appropriate correction is required.

RESPONSE

Applicant kindly traverses the Examiner's objection to claim 1. In particular, Applicant may be their own lexicographer. See MPEP § 2111.01 III and § 2173.01. Applicant believes the phrase "titanized chromium catalysts" is properly defined in the specification and claims, and that one skilled in the art would appreciate the metes and bounds of claim 1. Accordingly, Applicant kindly requests the Examiner to withdrawal this objection.

With regard to adding a comma after "optionally" in claims 1, 7, and 8, Applicant has amended theses claims accordingly. As such, Applicant kindly requests the Examiner to withdrawal this objection.

With regard to amending, "or a mixture of these two titanium compounds" to --or a mixture thereof-- in claim 5, Applicant has amended the claim accordingly. As such, Applicant kindly requests

the Examiner to withdrawal this objection.

3. Rejection of Claim 9 Under 35 U.S.C. § 112, 2nd Paragraph

The Office Action states claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action states,

The phrase "monomer mixture of at least one of ethylene and C₂-C₁₂-1-alkenes containing at least 50 mol% of ethylene is used as monomer(s) in the polymerization" is confusing because "a mixture" requires at least two components, but the claim requires a minimum of one of ethylene and alkenes. Thus, the claim is vague and indefinite.

RESPONSE

Applicant has amended claim 9 to remove grammatical errors, and to conform the claim to U.S. practice. Accordingly, claim 9 now recites, "The process as claimed in claim 8, wherein ethylene or a monomer mixture comprising at least 50 mol% of ethylene and at least one C₃-C₁₂-1-alkene is used for preparing the polyolefins."

Applicant believes claim 9 satisfies the requirements of 35 U.S.C. § 112. As such, Applicant kindly requests the Examiner to withdrawal this rejection.

4. Rejection of Claims 1-9 Under 35 U.S.C. §102(e)/103(a)

The Office Action states that claims 1-9 are rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 7,019,089 (herein referred to as "Schneider, et al.>"). In particular, the Office

Action states,

Schneider discloses a process for preparing supported, titanized chromium catalysts, which comprises the following steps: A) brining a speherical, spray-dried, oxidic supported material into contact with a titanium compound in a suspension, B) brining the support material which has been treated into contact with a chromium salt solution in a suspension and subsequently removing the solvent, C) optionally, calcining the precatalyst obtained in step B), etc., and D) activating the precatalyst obtained in step B) or C) at a temperature of from 500°C to 800°C in an oxygen-containing atmosphere (see col. 14, claim 1). Methanol (or a protic medium) is used as a solvent to prepare the chromium mixture (see col. 10, Example 1). The oxidic support is silca gel (se col. 14, claim 2). Schneider also discloses a process for preparing homopolymers of ethylene and copolymers of ethylene, etc. using supported titanized chromium catalysts prepared by a process as described above (see col. 14, claim 7).

While Schneider is silent with respect to the water content contained in the protic medium, it is inherent that the same protic medium used would contain the same water content as being claimed.

In the alternative, if in fact the water content in the protic medium of the Schneider's process is not the same as the claimed water content then the following applies.

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have controlled the water content in the protic medium in Schneider's process in order to result in an effective catalyst because of In re Boesch.

RESPONSE

Applicant traverses the rejection of claims 1-9.

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claims is found, either expressly or inherently, in

a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant respectfully believes Schneider, et al. fails to disclose, teach, or suggest, "A process for preparing supported, titanized chromium catalysts, which comprises the following steps:

A) bringing a support material into contact with a protic medium having a water content less than 20% by weight and comprising a titanium compound and a chromium compound;

B) optionally, removing the protic medium, thereby forming a precatalyst;

C) optionally, calcining the precatalyst obtained after step B); and

D) optionally, activating the precatalyst obtained after step B) or C) in an oxygen-containing atmosphere at from 400°C to 1100°C."

In particular, Applicant believes Schneider, et al. fails to disclose, teach, or suggest a one step process for preparing supported, titanized chromium catalysts in which the support material is brought into contact with a protic medium comprising a titanium and chromium compound, as currently claimed. In fact,

Schneider discloses a two step process for preparing supported, titanized chromium catalysts which comprises I) bring an oxidic support material into contact with a titanium compound, and then II) bring the titanium-treated support material into with a chromium salt solution. See col. 2, lines 15-19, and col. 4, line 46 - col. 5, line 7.

In light of the above, claims 1-9 are therefore believed not to be anticipated by Schneider, et al.

Additionally, the currently claimed subject matter and the subject matter contained in Schneider, et al. are commonly owned, and Applicant was subject to an obligation of assignment to the owner of the Schneider, et al. patent at the time the claimed subject matter was made. Applicant has included herein as Attachment B (1) a copy of the Recordation of Assignment for the currently pending application, (2) a copy of the assignee of record for the Schneider, et al. patent.

Accordingly, reconsideration and withdrawal of the rejection is requested.

CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the references of record. The Examiner is therefore respectfully requested to reconsider and withdraw all rejections and allow all pending claims 1-9. Favorable action with an early allowance of the

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claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner if he has any questions or comments.

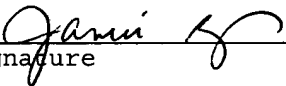
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

August 7, 2006

Signature

August 7, 2006
Date